

11/09/01
1130 U.S. PTO

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PTO/SB/05 (11-00)
Approved for use through 10/31/2002 OMB 0651-0032
Patent and Trademark Office U S DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	S100-DIV3
First Inventor	Greenberg
Title	Retinal Color Prosthesis For Color Sight Restoration
Express Mail Label No.	EL 516 675 962 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27
3. ☒ Specification [Total Pages **78**]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **32**]
5. Oath or Declaration [Total Pages **4**]
 - a. ☒ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6. ☐ Application Data Sheet See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other Petition to correct inventorship ...
Declarations from Greenberg and Schulman

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No. **09/515,373**

Prior application information

Examiner **F. Oropeza**

Group / Art Unit **3762**

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label



or ☐ Correspondence address below

(Insert Customer No. or Attach bar code label here)

Name **Second Sight, LLC**

28284

PATENT TRADEMARK OFFICE

Address **P.O. Box 905**

City **Santa Clarita**

State **CA**

Zip Code **91380-9005**

Country **U.S.A.**

Telephone **(661) 775-3995 ext. 3129**

Fax **(661) 775-1595**

Name (Print/Type) **Scott B. Durbin**

Registration No. (Attorney/Agent) **37,124**

Signature

Date

11/8/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

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**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision

Complete if Known

Application Number	--
Filing Date	--
First Named Inventor	Greenberg
Examiner Name	--
Group Art Unit	--
Attorney Docket No.	S100-DIV3

TOTAL AMOUNT OF PAYMENT**\$1,517.00****METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

50-0922

Deposit
Account
Name

Second Sight, LLC

- ☒
- Charge Any Additional Fee Required
-
- Under 37 CFR §§ 1.16 and 1.17

- ☒
- Applicant claims small entity status
-
- See 37 CFR § 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Fee Fee Fee Description

Code (\$) Code (\$) Code (\$) Code (\$)

101 740 201 370 Utility filing fee

Fee Paid

370.00

106 330 206 165 Design filing fee

107 510 207 255 Plant filing fee

108 740 208 370 Reissue filing fee

114 160 214 80 Provisional filing fee

SUBTOTAL (1)

\$370.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
63	-20** = 43	X 9.00 =	387.00
Independent Claims	18 - 3** = 15	X 42.00 =	630.00
Multiple Dependent		0.00 =	0.00

Large Entity Small Entity

Fee Fee Fee Fee Description

Code (\$) Code (\$) Code (\$) Code (\$)

103 18 203 9 Claims in excess of 20

102 84 202 42 Independent claims in excess of 3

104 280 204 140 Multiple dependent claim, if not paid

109 84 209 42 ** Reissue independent claims over original patent

110 18 210 9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

\$1,017.00

**or number previously paid, if greater, For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Fee Fee Fee

Code (\$) Code (\$) Code (\$) Code (\$)

105 130 205 65 Surcharge - late filing fee or oath

127 50 227 25 Surcharge - late provisional filing fee or cover sheet

139 130 139 130 Non - English specification

147 2,520 147 2,520 For filing a request for *ex parte* reexamination

112 920* 112 920* Requesting publication of SIR prior to Examiner action

113 1,840* 113 1,840* Requesting publication of SIR after Examiner action

115 110 215 55 Extension for reply within first month

116 400 216 200 Extension for reply within second month

117 920 217 460 Extension for reply within third month

118 1,440 218 720 Extension for reply within fourth month

128 1,960 228 980 Extension for reply within fifth month

119 320 219 160 Notice of Appeal

120 320 220 160 Filing a brief in support of an appeal

121 280 221 140 Request for oral hearing

138 1,510 138 1,510 Petition to institute a public use proceeding

140 110 240 55 Petition to revive - unavoidable

141 1,280 241 640 Petition to revive - unintentional

142 1,280 242 640 Utility issue fee (or reissue)

143 460 243 230 Design issue fee

144 620 244 310 Plant issue fee

122 130 122 130 Petitions to the Commissioner

123 50 123 50 Processing fee under 37 CFR § 1.17(q)

126 180 126 180 Submission of Information Disclosure Statement

581 40 581 40 Recording each patent assignment per property (times number of properties)

146 740 246 370 Filing a submission after final rejection (37 CFR § 1.129(a))

149 740 249 370 For each additional invention to be examined (37 CFR § 1.129(b))

179 740 279 370 Request for Continued Examination (RCE)

169 900 169 900 Request for expedited examination of a design application

Other fee (specify)

Fee Description

Fee Paid

SUBTOTAL (3)

\$130.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY

Name (Print/Type)

Scott B. Dunbar

Registration No
(Attorney/Agent)

37,124

Complete (if applicable)

Telephone

(661) 775-3995 ext. 3129

Signature

Date

11/8/07

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

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CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)Applicant(s): **Greenberg, et al.**

Docket No.

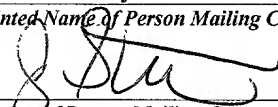
S100-DIV3Serial No.
---Filing Date
---Examiner
---Group Art Unit
---Invention: **RETINAL COLOR PROSTHESIS FOR COLOR SIGHT RESTORATION**

I hereby certify that the following correspondence:

Divisional Patent Application*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under

37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

11/9/01
*(Date)***Emily M. Stuart***(Typed or Printed Name of Person Mailing Correspondence)*
*(Signature of Person Mailing Correspondence)***EL 516 675 962 US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

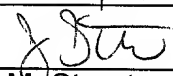
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Greenberg, et. Al.	Art Unit:	Unassigned
Serial No.:	Unknown	Examiner:	Unknown
Filed:	Herewith		
Docket No.:	S100DIV3		
For:	Retinal Color Prosthesis for Color Sight Restoration		

**Assistant Commissioner
For Patents
Washington, D.C. 20231**

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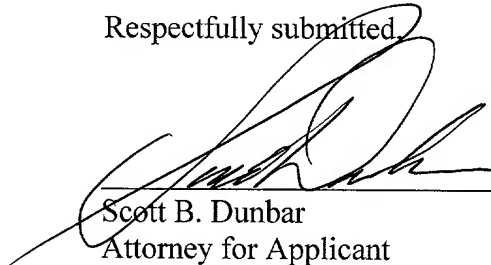

Emily M. Stuart

PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. 1.48(a)

Dear Sir:

Pursuant to 37 C.F.R. 1.148(a), Applicant hereby petitions the Commissioner to correct inventorship in the above-identified patent application. As supported by the enclosed declarations of Robert J. Greenberg and Joseph H. Schulman, applicant, without deceptive intent, incorrectly named the inventors in the declaration filed in the parent application, Retinal Color Prosthesis for Color Sight Restoration, 09/515,373, filed February 29, 2000. The correct inventorship is shown in the new declaration provided herewith.

Respectfully submitted,


Scott B. Dunbar
Attorney for Applicant
Reg. No. 37,124

11/8/01
Date

Second Sight, LLC
P.O. Box 905
Santa Clarita, CA 91380-9005
(661) 775-3990 x3129
(661) 775-1595 (fax)

PATENT

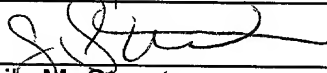
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Greenberg, et. Al.	Art Unit:	Unassigned
Serial No.:	Unknown	Examiner:	Unknown
Filed:	Herewith		
Docket No.:	S100DIV3		
For:	Retinal Color Prosthesis for Color Sight Restoration		

**Assistant Commissioner
For Patents
Washington, D.C. 20231**

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11/9/01


Emily M. Stuart

**DECLARATION OF JOSEPH H. SCHULMAN IN SUPPORT OF A
PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. 1.48(a)**

Dear Sir:

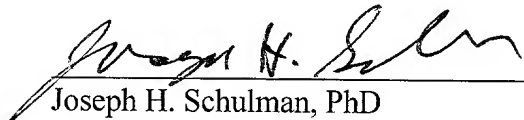
I, Joseph H. Schulman, state and declare:

1. I am a director of Second Sight, LLC, and an originally named inventor in the parents to the present application, US patent application, Retinal Color Prosthesis for Color Sight Restoration, 09/515,373, filed February 29, 2000 (the "original application").
2. As part of my work for Second Sight, LLC, I met regularly with Brian V. Mech prior to, and after, the filing the original application. At these meetings we discussed the subject matter of the invention disclosed in the original application. Brian suggested several coatings and methods of coating for the subject retinal prosthesis. These coatings form part of the subject matter which is claimed in the present divisional application.

3. It was a mere oversight that Brian Mech was not named as an inventor in the original application. Neither I, nor Second Sight, LLC had any deceptive intent in not naming Brian Mech as an inventor in the original application.
4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

11-08-01
Date


Joseph H. Schulman, PhD

Second Sight, LLC
P.O. Box 905
Santa Clarita, CA 91380-9005
(661) 775-3990 x3129
(661) 775-1595 (fax)